



# UNITED STATES PATENT AND TRADEMARK OFFICE

*CP*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,923	04/30/2001	Sergey Brin	0026-0002	9916

44989 7590 08/23/2006

HARRITY SNYDER, LLP  
11350 Random Hills Road  
SUITE 600  
FAIRFAX, VA 22030

EXAMINER

AILES, BENJAMIN A

ART UNIT PAPER NUMBER

2142

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/843,923

Applicant(s)

BRIN, SERGEY

Examiner

Benjamin A. Ailes

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 18-39 remain pending.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 April 2006 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolff (US 6,247,047 B1) in view of Yahoo! (Yahoo!, <http://www.archive.org/web/19961223150621/http://www8.yahoo.com/>), hereinafter referred to as Yahoo.

Art Unit: 2142

6. Regarding claims 1, 22, 26, 28, 32, 33 and 37, Wolff teaches a method for enticing users to access a web page comprising the use of a graphical icon (i.e. an advertisement banner) wherein the icon is displayed to a user on a web page. A keyword (indicia) is associated with the icon wherein when the user selects the icon a search is invoked to search an online database and then the search results are presented to the user (see Wolff, column 8, line 56 – column 9, line 15). These teachings teach upon the claim limitations “associating one or more search terms with a logo”, “uploading the logo to the web page”, “receiving a user selection of the logo”, and “invoking a search based on the one or more search terms in response to the user selection”. Wolff does not explicitly recite “modifying a standard company logo for a special event to create a special event logo”. Wolff teaches the use of the graphical icon being an advertisement banner utilized to attract a computer user and further suggests that the graphical icon can be quickly set up for seasonal and one-time use (col. 2, lines 27-28). In related art, Yahoo taught on the claim limitation of modifying a logo by altering their logo to celebrate the Christmas holiday on December 23, 1996 (see Yahoo main page NPL). Therefore, since it is suggested by Wolff to provide a mechanism to easily set up and utilize an icon for seasonal or one-time use, it would have been obvious to one of ordinary skill in the art to provide a logo as demonstrated by Yahoo to be a logo which is deemed seasonal because the logo has been altered in order to celebrate a special event, in this case Christmas. Further, it would have been obvious to associate the “search term” to relate the graphical icon as taught by Wolff because the keyword associated with the icon is supposed to directly identify the

Art Unit: 2142

product or service being represented by use of the icon and when a user interacts (clicks) on the icon (see Wolff, col. 8, ll. 43-49), it is deemed obvious that search results should be directly related to whatever the icon represents instead of erroneous data. Therefore, in view of Yahoo, if a logo is altered in some sort of way, the keyword associated with the logo should be altered accordingly. One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the teachings of Yahoo with what is taught by Wolff. One of ordinary skill in the art would have been motivated to make such a combination due to being from the same field of endeavor (client-server network systems) and for the reasons stated above, specifically the advantages of providing a banner which is attractive to a user which would cause a user to want to click on the banner and the ability to provide a banner which can be used one-time or seasonal.

7. Regarding claims 19 and 29, Wolff and Yahoo teach the method wherein the modifying a standard company logo includes creating the special event logo by modifying the standard company logo with one or more animated images (Yahoo).

8. Regarding claims 20 and 30, Wolff and Yahoo teach the method wherein the modifying a standard company logo includes creating the special event logo by modifying the standard company logo with at least one of video or audio data (Yahoo and Wolff, col. 3, ll. 39-43).

9. Regarding claims 21 and 31, Wolff and Yahoo teach the method wherein the special event includes a holiday (Yahoo).

Art Unit: 2142

10. Regarding claims 23 and 39, Wolff and Yahoo teach the method wherein the uploading the special event includes displaying the special event logo on the web page during the special event (Yahoo).

11. Regarding claim 24, Wolff and Yahoo teach the method wherein the invoking a search includes:

generating a search query using the one or more search terms (Wolff, col. 9, ll. 3-13);

using the search query to search at least one of a network, an index, or a directory (Wolff, col. 9, ll. 3-13); and

obtaining search results based on the search (Wolff, col. 9, ll. 9-13).

12. Regarding claim 25, Wolff and Yahoo teach the method wherein the modifying a standard company logo includes:

determining a home page for the web page on a network (Yahoo,

<http://www.yahoo.com>);

identifying the standard company logo on the home page (Yahoo, standard Yahoo! logo); and

modifying the standard company logo with special event information to create the special event logo (Yahoo, the addition of the reindeer to the standard logo creates a modified logo).

13. Regarding claim 27, the claim contains similar subject matter and is rejected under the same rationale as taught by claim 18 and the additional limitation to

Art Unit: 2142

"determine a home page for a web page on the network" is taught by Yahoo,

<http://www.yahoo.com>.

14. Regarding claims 34, 35 and 36, Wolff and Yahoo teach the method wherein uploading the special event logo includes replacing the standard company logo with the special event logo on the web page (Yahoo, page is from 12/23/1996).

15. Regarding claim 38, Wolff and Yahoo teach the method wherein one or more search terms are associated with the special event logo; and wherein the invoking a search relating to the special event includes: causing a search to be performed based on the one or more search terms (Wolff, col. 9, ll. 9-13).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa

*Beatriz Prieto*  
BEATRIZ PRIETO  
PRIMARY EXAMINER

BEATRIZ PRIETO  
PRIMARY EXAMINER